

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

DELPORT, et al

Filed: **February 8, 2006**

Serial No. **10/567,625**

For: **RUPTURE TYPE OPENABLE
BEVERAGE CONTAINER LID**

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Art Unit:

Examiner:

Attorney Docket No.: **A311061.3US**

REQUEST FOR SUBSTITUTION OF DOCUMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant files the present Substitute Fee Transmittal in the above matter.

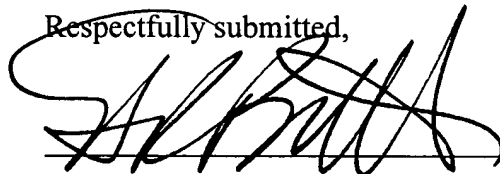
Applicant claimed Small Entity on the Utility Patent Application Transmittal (form PTO/SB/05), however, Applicant was erroneous in not checking the Small Entity box on the Fee Transmittal form (form PTO/SB/17).

Applicant respectfully requests the original Fee Transmittal be substituted with the enclosed Substitute Fee Transmittal and appropriate fees be charged.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 50-2346.

Date: 3/23/06

Respectfully submitted,

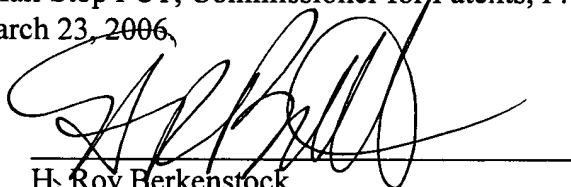


H. Roy Berkenstock
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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, addressed to Mail Stop PCT, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on March 23, 2006,

A handwritten signature in black ink, appearing to read 'H. Roy Berkenstock', is written over a horizontal line.

H. Roy Berkenstock
Registration No. 24,719

Date: March 23, 2006

SUBSTITUTE

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

| | |
|----------------------|-------------|
| Application Number | |
| Filing Date | herewith |
| First Named Inventor | DELPORT |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | A311061.3US |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 502346 Deposit Account Name: Wyatt Tarrant & Combs

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|---------------------------------|-------------|---------------------------------|------------------|---------------------------------|----------------|
| | Fee (\$) | <u>Small Entity</u> Fee (\$) | Fee (\$) | <u>Small Entity</u> Fee (\$) | Fee (\$) | <u>Small Entity</u> Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | 500 |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | <u>Small Entity</u> Fee (\$) |
|---|----------------------------------|---------------------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> |
| <u>7</u> - 20 or HP = <u>0</u> x <u> </u> = <u>0</u> | | |
| HP = highest number of total claims paid for, if greater than 20. | | |
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> |
| <u> </u> - 3 or HP = <u> </u> x <u> </u> = <u> </u> | | |
| HP = highest number of independent claims paid for, if greater than 3. | | |
| | <u>Multiple Dependent Claims</u> | <u>Fee (\$)</u> |
| | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof (round up to a whole number) x Fee (\$) = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

| | | |
|--------------------------------------|---|------------------------|
| Signature | Registration No. (Attorney/Agent) 24,719 | Telephone 901-537-1108 |
| Name (Print/Type) H. Roy Berkenstock | Date 02/08/2006 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.